



- the deadline for Dr. Smith to produce a Rule 26(e) report be June 15, 2023. Conversely, State Defendants and Intervenor-Defendants propose that the deadline be June 5, 2023. The parties further agree that Defendants may produce a rebuttal report to Dr. Smith's supplemental report and may depose Dr. Smith regarding his supplemental report after the close of expert discovery.
- b. The Parties agree that Defendants may depose Tania Chavez and Stella Guerrero Mata after the close of discovery.
  - c. The Parties agree that there may be additional discovery related to the claims set forth in Paragraph 4 below if it is allowed as a result of any further proceedings in *LULAC Texas v. Hughes*, No. 22-50435 (5th Cir.), or *LUPE v. Bettencourt*, No. 23-50201 (5th Cir.). That discovery would be limited to the documents that are the subject of those appeals and any deposition or live witness testimony related to the subject matter of those documents as ordered by the court or agreed to by the parties following the resolution of those proceedings.
2. Consistent with the Proposed Second Amended Scheduling Order, Dkt. No. 579, the parties recommend that the Court maintain all pretrial deadlines for claims proceeding to trial on September 11, 2023, as follows:
- a. The deadline for filing Rule 26(a)(3) disclosures is July 25, 2023, excluding pretrial findings of fact and conclusions of law, as ordered by the Court during the May 16, 2023, status conference (Tr. 31:12-13).
  - b. The deadline for filing objections under Rule 26(a)(3) is August 8, 2023. Any objections not made will be deemed waived.
  - c. The deadline to file a Final Joint Pretrial Order and any motion *in limine* is August 22, 2023.

- d. The Final Pretrial Conference shall be held on Thursday, August 31, 2023, at 10:30 a.m.
  - e. The first phase of the trial starts September 11, 2023. Trial will be in recess on the following dates: September 15, 18, and 25-29.
3. In accordance with the Court's request, the parties propose that the following claims be heard during the first phase of trial at which point the parties will rest and the trial record would be closed as to these claims:
- a. Claims under Section 101 of the Civil Rights Act, 52 U.S.C. § 10101(a)(2)(B);
  - b. Claims that SB1 violates the First and Fourteenth Amendments of the U.S. Constitution (undue burden);
  - c. Claims of racially discriminatory results under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, et seq.;
  - d. Claims that SB1 is unconstitutionally vague in violation of the First and Fourteenth Amendments;
  - e. Claims that SB 1 unconstitutionally restricts free speech and expression in violation of the First and Fourteenth Amendments;
  - f. Claims that SB1 is in violation of Section 208 of the Voting Rights Act, 52 U.S.C. § 10508;
  - g. Claims that SB1 violates Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131; and
  - h. Claims that SB1 violates Section 504 of the Rehabilitation Act, 29 U.S.C. § 794.
4. In accordance with the Court's request, parties propose that the following claims be heard during the second phase of trial:

- a. Claims that SB1 violates the Fourteenth and Fifteenth Amendments of the U.S. Constitution (intentional racial discrimination); and
  - b. Claims of racially discriminatory intent under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, et seq.
5. In light of the opinion issued by the Fifth Circuit on May 17, 2023 in *LULAC Texas v. Hughes*, No. 22-50435, the HAUL, MFV, and LULAC Plaintiffs are prepared to proceed with trial on September 11, 2023 on all claims brought in their respective complaints, HAUL and MFV Plaintiffs' Second Amended Complaint [Dkt. 199] and LULAC Plaintiffs' Second Amended Complaint [Dkt. 207], so long as the trial record remains open as to intentional discrimination claims under the 14th Amendment, 15th Amendment, and Section 2 of the Voting Rights Act for an opportunity for the parties to introduce additional evidence after the resolution of *LUPE v. Bettencourt*, No. 23-50201 (5th Cir). Under this proposal, at the conclusion of the September 11 trial, the parties will rest as to all other claims, and the trial record would be closed as to those claims. Additional evidence that may be introduced in support of the claims outlined in Paragraph 4 after the resolution of the *Bettencourt* appeal would be limited to the documents that are the subject of that appeal and any deposition or live witness testimony related to the subject matter of those documents as ordered by the court or agreed to by the parties following the resolution of the *Bettencourt* appeal. Alternatively, should the Court prefer to defer trial on intent claims to a second phase of trial, the HAUL and MFV Plaintiffs agree with the division of claims between the first and second phase of trial outlined in paragraphs 3 and 4 above.

Dated: May 26, 2023

Respectfully Submitted,

**For LUPE Plaintiffs:**

/s/ Sean Morales-Doyle

Sean Morales-Doyle (NY Bar No. 5646641)  
Patrick A. Berry\* (NY Bar No. 5723135)  
Jasleen K. Singh\* (Cal. Bar No. 316596)  
Robyn N. Sanders\* (NC Bar No. 58339)  
Eliza Sweren-Becker\* (NY Bar No. 5424403)  
Andrew B. Garber\* (NY Bar No. 5684147)  
BRENNAN CENTER FOR JUSTICE AT NYU  
SCHOOL OF LAW  
120 Broadway, Suite 1750  
New York, NY 10271  
(646) 292-8310  
sean.morales-doyle@nyu.edu  
patrick.berry@nyu.edu  
Jasleen.singh@nyu.edu  
rs8592@nyu.edu  
eliza.sweren-becker@nyu.edu  
andrew.garber@nyu.edu

Paul R. Genender (Tex. Bar No. 00790758)  
Elizabeth Y. Ryan (Tex. Bar No. 24067758)  
Matthew Berde\* (Tex. Bar No. 24094379)  
Megan Cloud (Tex. Bar No. 24116207)  
WEIL, GOTSHAL & MANGES LLP  
200 Crescent Court, Suite 300  
Dallas, Texas 75201  
(214) 746-8158  
paul.genender@weil.com  
liz.ryan@weil.com  
matt.berde@weil.com  
megan.cloud@weil.com

Alexander P. Cohen\* (Tex. Bar No. 24109739)  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
(212) 310-8020  
alexander.cohen@weil.com

*Attorneys for Plaintiffs:*  
FRIENDSHIP-WEST BAPTIST CHURCH,  
TEXAS IMPACT, JAMES LEWIN

/s/ Nina Perales

Nina Perales  
Julia R. Longoria  
Fátima Menéndez  
MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL FUND  
110 Broadway, Suite 300  
San Antonio, TX 78205  
(210) 224-5476  
(210) 224-5382 (fax)  
nperales@maldef.org  
jlongoria@maldef.org  
fmenendez@maldef.org

Michael C. Keats\*  
Rebecca L. Martin\*  
Jason S. Kanterman\*  
Kevin Zhen\*  
FRIED, FRANK, HARRIS, SHRIVER &  
JACOBSON LLP  
One New York Plaza  
New York, New York 10004  
(212) 859-8000  
(212) 859-4000 (fax)  
michael.keats@friedfrank.com  
rebecca.martin@friedfrank.com  
jason.kanterman@friedfrank.com  
kevin.zhen@friedfrank.com

\* Admitted *pro hac vice*

*Attorney for Plaintiffs:*

LA UNIÓN DEL PUEBLO ENTERO,  
SOUTHWEST VOTER REGISTRATION  
EDUCATION PROJECT, MEXICAN  
AMERICAN BAR ASSOCIATION OF  
TEXAS, TEXAS HISPANICS  
ORGANIZED FOR POLITICAL  
EDUCATION, JOLT ACTION, WILLIAM  
C. VELASQUEZ INSTITUTE, FIEL  
HOUSTON INC.

---

**For OCA Greater Houston Plaintiffs:**

/s/ Zachary Dolling

Zachary Dolling, Tex. Bar No. 24105809  
Hani Mirza, Tex. Bar No. 24083512  
Sarah Chen\*, California Bar No. 325327  
Veronikah Warms\*, Tex. Bar No. 24132682  
**TEXAS CIVIL RIGHTS PROJECT**  
1405 Montopolis Drive  
Austin, TX 78741  
512-474-5073 (Telephone)  
512-474-0726 (Facsimile)  
zachary@texascivilrightsproject.org  
hani@texascivilrightsproject.org  
schen@texascivilrightsproject.org  
veronikah@texascivilrightsproject.org

Thomas Buser-Clancy, Tex. Bar No.  
24078344  
Edgar Saldivar, Tex. Bar No. 24038188  
Savannah Kumar, Tex. Bar No. 24120098  
Ashley Harris, Tex. Bar No. 24123238  
**ACLU FOUNDATION OF TEXAS, INC.**  
5225 Katy Freeway, Suite 350  
Houston, TX 77007  
Telephone: (713) 942-8146  
Fax: (915) 642-6752  
tbuser-clancy@aclutx.org  
esaldivar@aclutx.org  
skumar@aclutx.org  
aharris@aclutx.org

Adriel I. Cepeda Derieux\*  
Ari Savitzky\*  
Sophia Lin Lakin\*  
Dayton Campbell-Harris  
**AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION**  
125 Broad St., 18th Floor  
New York, NY 10004  
(212) 284-7334  
acepedaderieux@aclu.org  
asavitzky@aclu.org  
slakin@aclu.org  
dcampbell-harris@aclu.org

Susan Mizner\*  
**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION**  
39 Drumm St.  
San Francisco, CA 94111  
(415) 343-0781 (phone)  
smizner@aclu.org

Brian Dimmick\*  
**AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION**  
915 15<sup>th</sup> St. NW  
Washington, DC 20005  
(202) 731-2395 (phone)  
bdimmick@aclu.org

LUCIA ROMANO, Tex. State Bar No. 24033013  
PETER HOFER, Tex. State Bar No. 09777275  
CHRISTOPHER MCGREAL, Tex. State Bar No.  
24051774  
**DISABILITY RIGHTS TEXAS**  
2222 West Braker Lane  
Austin, Texas 78758-1024  
(512) 454-4816 (phone)  
(512) 454-3999 (fax)  
lromano@drtx.org  
phofer@drtx.org  
cmcgregal@drtx.org

Jerry Vattamala\*  
Susana Lorenzo-Giguere\*  
Patrick Stegemoeller\*  
**ASIAN AMERICAN LEGAL DEFENSE AND  
EDUCATION FUND**  
99 Hudson Street, 12th Floor  
New York, NY 10013  
(212) 966-5932 (phone)  
(212) 966 4303 (fax)  
jvattamala@aaldef.org  
slorenzo-giguere@aaldef.org  
pstegemoeller@aaldef.org

\*admitted *pro hac vice*  
(additional counsel listed on next page)

**For OCA Greater Houston Plaintiffs (continued):**

Jessica Ring Amunson\*  
Alyssa G. Bernstein\*  
**JENNER & BLOCK LLP**  
1099 New York Ave. NW, Suite 900  
Washington, DC 20001  
(202) 639-6000  
jamunson@jenner.com  
abernstein@jenner.com

Gregory D. Washington\*  
**JENNER & BLOCK LLP**  
455 Market St. Suite 2100  
San Francisco, CA 94105  
gWASHINGTON@jenner.com

**For Mi Familia Vota Plaintiffs:**

/s/ Wendy J. Olson  
Wendy J. Olson\*  
Laura E. Rosenbaum\*  
Elijah Watkins\*  
Mark Bieter\*  
Bradley Prowant\*  
**STOEL RIVES LLP**  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205  
Telephone: (503) 224-3380  
Facsimile: (503) 220-2480  
wendy.olson@stoel.com  
laura.rosenbaum@stoel.com  
elijah.watkins@stoel.com  
mark.bieter@stoel.com  
bradley.prowant@stoel.com

Sean Lyons  
State Bar No. 00792280  
Clem Lyons  
State Bar No. 12742000  
**LYONS & LYONS, P.C.**  
237 W. Travis Street, Suite 100  
San Antonio, TX 78205  
Telephone: (210) 225-5251  
Facsimile: (210) 225-6545  
sean@lyonsandlyons.com  
clem@lyonsandlyons.com

Courtney Hostetler\*  
Ron Fein\*  
John Bonifaz\*  
Ben Clements\*  
**FREE SPEECH FOR PEOPLE**  
1320 Centre Street, Suite 405  
Newton, MA 02459  
Telephone: (617) 249-3015  
chostetler@freespeechforpeople.org  
rfein@freespeechforpeople.org  
jbonifaz@freespeechforpeople.org  
bclements@freespeechforpeople.org

\*admitted *pro hac vice*

**For HAUL Plaintiffs:**

/s/ Jennifer Holmes

---

Kenneth E. Broughton  
Texas Bar No. 03087250  
J. Keely Pippin  
Texas Bar No. 24116306  
Reed Smith LLP  
811 Main Street, Suite 1700  
Houston, TX 77002-6110  
Telephone: (713) 469-3800  
Facsimile: (713) 469-3899  
kbroughton@reedsmith.com  
kpippin@reedsmith.com

Sarah Cummings Stewart  
Texas Bar No. 24094609  
Reed Smith LLP  
2850 N. Harwood Street, Suite 1500  
Dallas, TX 75201  
Telephone: (469) 680-4200  
Facsimile: (469) 680-4299  
sarah.stewart@reedsmith.com

Jennifer A. Holmes\*  
NAACP Legal Defense and Educational  
Fund, Inc.  
700 14th Street NW, Suite 600  
Washington, DC 20005  
Telephone: (202) 682-1300  
Facsimile: (202) 682-1312  
jholmes@naacpldf.org

Kathryn Sadasivan\*  
Amir Badat\*  
Victor Genecin\*  
Breanna Williams\*  
NAACP Legal Defense and Educational Fund,  
Inc.  
40 Rector Street, 5th Floor  
New York, NY 10006  
Telephone: (212) 965-2200  
Facsimile: (212) 226-7592  
ksadasivan@naacpldf.org  
abadat@naacpldf.org  
vgenecin@naacpldf.org  
bwilliams@naacpldf.org

Shira Wakschlag\*  
The Arc of the United States, Inc.  
1825 K Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 534-3708  
Facsimile: (202) 534-3731  
Wakschlag@thearc.org

\*Admitted *pro hac vice*



**For LULAC Plaintiffs:**

/s/ Uzoma N. Nkwonta

Uzoma N. Nkwonta\*

Christopher D. Dodge\*

Michael B. Jones\*

Noah B. Baron\*

Elena A. Rodriguez Armenta\*

Daniela Lorenzo\*

Marcos Mocine-McQueen\*

Marisa A. O’Gara\*

Omeed Alerasool\*

**ELIAS LAW GROUP LLP**

250 Massachusetts Avenue NW, Suite 400

Washington, D.C. 20001

Telephone: (202) 968-4490

unkwonta@elias.law

cdodge@elais.law

mjones@elias.law

nbaron@elias.law

erodriguezarmenta@elias.law

dlorenzo@elias.law

mmcqueen@elias.law

mogara@elias.law

oalerasool@elias.law

\*Admitted *Pro Hac Vice*

**For the United States:**

KRISTEN CLARKE

Assistant Attorney General

ELISE C. BODDIE

Principal Deputy Assistant Attorney General

Civil Rights Division

/s/ Daniel J. Freeman

T. CHRISTIAN HERREN, JR.

RICHARD A. DELLHEIM

DANIEL J. FREEMAN

DANA PAIKOWSKY

MICHAEL E. STEWART

JENNIFER YUN

Attorneys, Voting Section

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, D.C. 20530

daniel.freeman@usdoj.gov

*Counsel for the United States*

**For State Defendants:**

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

GRANT DORFMAN  
Deputy First Assistant Attorney General

SHAWN E. COWLES  
Deputy Attorney General for Civil  
Litigation

CHRISTOPHER D. HILTON  
Chief, General Litigation Division  
Tex. State Bar No. 24087727

/s/ Kathleen T. Hunker  
KATHLEEN T. HUNKER  
Special Counsel  
Tex. State Bar No. 24118415

J. AARON BARNES  
Special Counsel  
Tex. State Bar No. 24099014  
OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC-009)  
Austin, Texas 78711-2548  
(512) 463-2100  
christopher.hilton@oag.texas.gov  
kathleen.hunker@oag.texas.gov  
aaron.barnes@oag.texas.gov

**For Intervenor-Defendants:**

/s/ John M. Gore  
John M. Gore  
E. Stewart Crosland (pro hac vice)  
Stephen J. Kenny (pro hac vice)  
Louis J. Capozzi (pro hac vice)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Phone: (202) 879-3939  
Fax: (202) 626-1700  
jmgore@jonesday.com  
scrosland@jonesday.com  
skenny@jonesday.com  
lcapozzi@jonesday.com

**For Defendants Dallas County Elections  
Administrator and District Attorney:**

JOHN CREUZOT  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS

/s/ Jason G. Schuette for Ben L. Stool  
Ben L. Stool  
Assistant District Attorney  
Texas Bar No. 19312500  
[ben.stool@dallascounty.org](mailto:ben.stool@dallascounty.org)

Jason G. Schuette  
Assistant District Attorney  
Texas Bar No. 17827020  
[jason.schuette@dallascounty.org](mailto:jason.schuette@dallascounty.org)

Barbara S. Nicholas  
Assistant District Attorney  
Texas Bar No. 24032785  
[barbara.nicholas@dallascounty.org](mailto:barbara.nicholas@dallascounty.org)  
Dallas County Records Building  
500 Elm Street, Suite 6300  
Dallas, Texas 75202  
Phone:(214) 653-7358  
Fax:(214) 653-6134

**For Defendant CLIFFORD TATUM, in his  
Official Capacity as Harris County  
Elections Administrator:**

s/ Jonathan G. C. Fombonne  
**CHRISTIAN D. MENEFEE**  
Harris County Attorney  
Texas Bar No. 24088049  
[Christian.Menefee@harriscountytexas.gov](mailto:Christian.Menefee@harriscountytexas.gov)  
**JONATHAN G.C. FOMBONNE**  
First Assistant Harris County Attorney  
Texas Bar No. 24102702  
[Jonathan.Fombonne@harriscountytexas.gov](mailto:Jonathan.Fombonne@harriscountytexas.gov)  
**TIFFANY S. BINGHAM**  
Managing Counsel, Affirmative Litigation  
Division  
Texas Bar No. 24012287  
[Tiffany.Bingham@harriscountytexas.gov](mailto:Tiffany.Bingham@harriscountytexas.gov)

**OFFICE OF THE HARRIS COUNTY  
ATTORNEY**

1019 Congress Plaza, 15th Floor  
Houston, Texas 77002  
Telephone: (713) 274-5101  
Facsimile: (713) 755-8924

**For Defendant Lisa Wise, in her official  
capacity as the El Paso County Elections  
Administrator:**

*/s/ Kathleen Hartnett*

Kathleen Hartnett\* (CA SBN 314267)

COOLEY LLP

Kathleen Hartnett\* (CA SBN 314267)

khartnett@cooley.com

Beatriz Mejia\* (CA SBN 190948)

bmejia@cooley.com

Sharon Song\* (CA SBN 313535)

ssong@cooley.com

Kelsey Spector\* (CA SBN 321488)

kspector@cooley.com

Germaine Habell\* (CA SBN 333090)

ghabell@cooley.com

Caroline A. Lebel\* (CA SBN 340067)

clebel@cooley.com

3 Embarcadero Center, 20<sup>th</sup> Floor

San Francisco, CA 94111-4004

Telephone: +1 415 693-2000

Facsimile: +1 415 693-2222

COOLEY LLP

Orion Armon (CO SBN 34923)

oarmon@cooley.com

1144 15<sup>th</sup> Street, Suite 2300

Denver, CO 80202-2686

Telephone: +1 720 566-4000

Facsimile: +1 720 566-4099

STATES UNITED DEMOCRACY CENTER

Christine P. Sun\* (CA SBN 218701)

3749 Buchanan St., No. 475165

San Francisco, CA 94147-3103

Telephone: +1 615 574-9108

christine@statesuniteddemocracy.org

STATES UNITED DEMOCRACY CENTER

Ranjana Natarajan (TX SBN 24071013)

1801 E 51<sup>st</sup> St., Suite 365, No. 334

Austin, TX 78723

Telephone: +1 323 422-8578

ranjana@statesuniteddemocracy.org

STATES UNITED DEMOCRACY CENTER

Robert Cotter\* (IL SBN 6334375)

7510 N. Greenview Ave., Apt. #3

Chicago, IL 60626

Telephone: (224) 235-2606

robert@statesuniteddemocracy.org

STATES UNITED DEMOCRACY CENTER

Marina Eisner\* (DC SBN 1005593)

1101 17 Street NW

Washington, DC 20036

Telephone: (240) 600-1316

marina@statesuniteddemocracy.org

EL PASO COUNTY ATTORNEYS

Jo Anne Bernal (TX SBN 02208720)

El Paso County Attorney

Joanne.Bernal@epcounty.com

John E. Untereker (TX SBN 24080627)

Assistant County Attorney

juntereker@epcounty.com

500 East San Antonio, Room 503

El Paso, Texas 79901

Telephone: +1 915 546-2050

Facsimile: +1 915 546-2133

**For Defendants Travis County Clerk and  
District Attorney:**

**DELIA GARZA**

County Attorney, Travis County  
P. O. Box 1748  
Austin, Texas 78767  
Telephone: (512) 854-9513

/s/ Leslie Dippel

Leslie W. Dippel  
State Bar No. 00796472  
Leslie.Dippel@traviscountytexas.gov

Patrick T. Pope  
State Bar No. 24079151  
Patrick.Pope@traviscountytexas.gov

Anthony J. Nelson  
State Bar No. 14885800  
tony.nelson@traviscountytexas.gov

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that he has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 26th day of May 2023.

/s/ Sean Morales-Doyle

Sean Morales-Doyle